IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUMMARY SUIT NO.3576 OF 2006

M/s. Shraddha Enterprises. ...Plaintiff.
Vs.
M/s.Bharat Explosives Limited. ...Defendant.

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Mr.H. J. Popat for the Plaintiff.
None for the Defendant.

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CORAM : DR.D.Y.CHANDRACHUD, J.
9th April 2007.

P.C.:

The claim of the Plaintiff in the suit which has been instituted under Order 37 of the Code of Civil Procedure, 1908 is based on an invoice dated 15th October 2004 in respect of goods sold, supplied and delivered to the Defendant. The total amount of the invoice is Rs.4,05,600/-. Part payment of Rs.50,000/- was made by the Defendant on 27th April 2005. On 22nd August 2005 the Defendant issued a declaration in Form "C" for the purposes of Central Sales Tax duly acknowledging the amount of the invoice, namely, Rs.4,05,600/-. A notice of demand was issued on 2nd September 2006 to which there is no reply.

The Defendant has been served with the writ of

summons. An affidavit of service has been filed. A compilation of the original documents on the basis of which the suit has been instituted has also been tendered on the record. The claim of the Plaintiff is duly established. Even otherwise, the Defendant having failed to enter appearance, the Plaintiff would be entitled to a decree as prayed under the provision of Order 37. The suit shall accordingly be decreed in terms of prayer clause (a), save and except with the modification that the Plaintiff shall be entitled to interest at the rate of 9% per annum on the principal amount of Rs.3,55,600/- from the date of the institution of the suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court fee, if any, as per rules.

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